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The U.S. Vs. William

Early this month, Attorney General William French Smith revoked Carter Administration guidelines that limited legal recourse against current or former government employees who publish information about intelligence work without clearing it with the government first. Smith obviously meant business: NEWSWEEK learned last week that the Justice Department plans to sue former CIA director William E. Colby for publishing his memoir, "Honorable Men," without clearing all editions with his former employer. Justice officials said the Colby case did not portend a barrage of lawsuits against leakers of sensitive infor-

able to or critical of involved will be a factor to sue," he said. ment sources said, p tled with a consen forcing the former over some profits government.

The Colby case is t Reagan Administra leaks of information It was learned that t ordered several inv national-security br

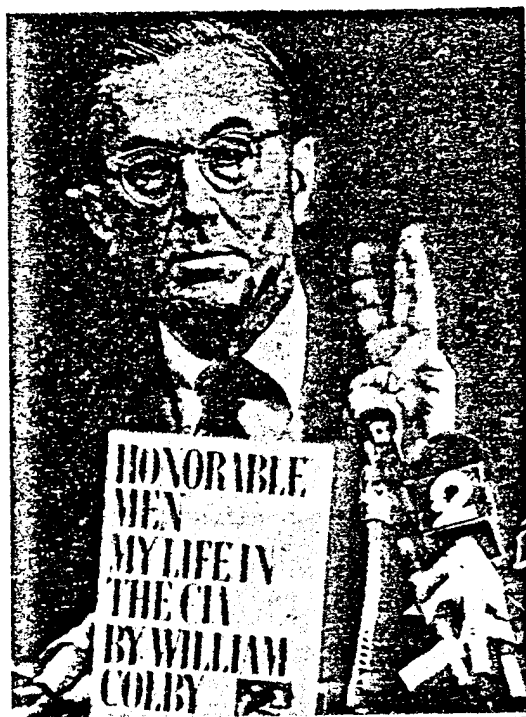
ance of State Department policy papers on southern Africa, the removal of MX-missile studies from the Pentagon and the acquisition by NBC's Marvin Kalb of position papers on Pakistan. Similarly, CIA director William J. Casey has asked for a special FBI team to conduct an internal investigation of agency leaks—a request the bureau has rejected because its top officials do not believe that the FBI should be working for the agency.

Irritated: Less sensitive leaks are "more of an annoyance," says Presidential Counselor Edwin Meese, but the White House is tracking them as well. After The New York Times suggested in June that Reagan was willing to compromise on his tax bill, irritated aides checked Secret Service computer logs to learn which officials the reporter had seen. The leak was traced to budget director David Stockman. Stockman's job isn't in danger, but it is the chilling prospect of being found out—and possibly fired—that keeps most potential leakers in line.

Intimidation may be the best weapon against leakers simply because it is so difficult to prosecute them. Feder-

al law prohibits the unauthorized dissemination of national-security information, but the statutes are "so vague as to be virtually worthless," says a former CIA official. Defendants also can resort to "graymail:" forcing the government to disclose even more sensitive information so that a jury can decide the relative importance of the leaked material.

Given the legal and practical pitfalls, the Administration is searching for more effective ways to stop leaks: not passing some information to leak-prone departments and routinely collecting important briefing books after meetings. Attorney General Smith's new edict on unauthorized publication of sensitive information may help to keep such information in the files—but leaks of less sensitive material may simply be beyond control.



Colby: His loyalty to the CIA isn't at issue

mation; the idea was to send a message that the Administration would not tolerate breaches of the legal contracts between government workers and their employer.

The Colby case was also designed to "get at the heart of the question of whether we deal only with the little fish," said a senior Administration official. Colby's alleged breach of security occurred in 1978 when galley proofs of his book reached a French publisher before the CIA could demand that its former chief delete certain passages. In those passages, Colby revealed that the CIA spy ship Glomar Explorer had failed in its attempt to recover nuclear missiles, steering and transmission devices and codes from a Russian submarine three miles below the surface of the Pacific Ocean.

Consent: There was no question that Colby's book was entirely loyal to the